



Public Lands Planning and Policy Development Activities of the Nevada Division of State Lands

A Report to the Legislature

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1. Introduction

This report summarizes the activities of the State Land Use Planning Agency (SLUPA) of the Nevada Division of State Lands (NDSL) within the past two years related to public lands planning and policy development. This report complies with the requirements of Section 321.7355 of the Nevada Revised Statutes (NRS), which provides: "Plan or statement of policy concerning lands under federal management. ... 3. The state land use planning agency shall: ... (c) On or before February 1 of each odd-numbered year, prepare and submit a written report to the legislature concerning any activities engaged in by the agency pursuant to the provisions of this section during the immediately preceding biennium, including, without limitation: (1) The progress and any results of its work; or (2) Any plans or statements of policy prepared pursuant to this section."

2. Activities relating to lands under federal management during the last two years

This section summarizes the participation of NDSL in activities relating to lands under federal management between February 1, 2003 and February 1, 2005, emphasizing public land plans and statements of policy.

NDSL is heavily involved in federal land actions that occur statewide. During the past biennium, NDSL worked in concert with the Nevada State Clearinghouse to gather and provide State policy comments on a wide range of issues affecting the State's public lands. Many of these activities also affect private lands. NDSL has a primary role in ensuring that proper transparent dialogue is fostered between local, State and federal agencies as well as all interested stakeholders. NDSL has embraced the Western Governors Association's "Enlibra" principles and adheres to an open and public collaborative planning ethic.

The following is a summary of notable activities:

Update to the Nevada Statewide Policy Plan for Public Lands

The State Land Use Planning Agency, a section within NDSL, was first directed by the Legislature in 1983, through Senate Bill 40 (SB40), to:

- "Prepare, in cooperation with the appropriate State agencies and local governments throughout the State, plans or policy statements concerning the use of lands in Nevada which are under federal management."

The plans are a comprehensive set of policies and measures and are designed to increase the role Nevadans have in determining the management of public lands.

- The plans enable the federal land management agencies to better know and respond in a positive fashion to the concerns and needs of Nevada in a collaborative process with local and State government.
- SB40 was intended to give Nevada localities and the State an opportunity to address federal land use management issues directly and thereby offer an alternative to relying solely on after-the-fact reactions to federal proposals.
- SB40 required the Division of State Lands to encourage public comment and involvement.
- The process resulted in a plan that integrated public land policies that are pertinent on a statewide level and which represent the formal position of Nevada as a whole.

At the local level, the first policy plans for public lands developed pursuant to SB40 were adopted by the counties and affected cities at various times during 1984 and 1985. On June 9, 1986, Governor Richard H. Bryan approved the plans. Since then, some counties have revised and adopted new plans. A number of Nevada's counties are in the process or soon to be in the process of updating their local public land policy plans. The update of local level policy plans is a county function that the Division of State Lands is charged with facilitating and providing assistance upon request. (NRS 321.735)

The primary purpose of the Nevada Statewide Policy Plan for Public Lands ("Plan") is to help address and resolve the State's public land issues. The Plan:

- Details a statewide vision and strong policy voice for Nevada's public lands.
- Defines public land-related issues and needs.
- Encourages State and local input into the planning and management activities of federal land management agencies with an emphasis on collaboration amongst local entities, citizens and the federal planning partners.
- Updates the State's public land policies for the first time since 1986. The Plan defines and helps resolve the State's public land issues at a State scale and in context with today's challenges. Many existing policies, developed in 1986, do not provide guidance to federal agencies on important public land issues including federal land transactions, habitat conservation planning for special status species, wilderness management and designations, and energy projects on public lands.
- Summarizes Nevada's public land policies and defines related action items designed to help implement the policies. It is hoped that the policies and action items make a major contribution to the combined effort needed to facilitate the management and condition of Nevada's public lands. Overall, Nevada wishes to strike a balance between protecting and conserving its natural, recreation and cultural resources while meeting the needs of its urban and rural communities, residents and resource-dependent industries.

A strong policy voice for public lands is especially important because the federal planning partners that manage more than 85% of Nevada's land must be consistent with State, local and tribal policies and plans unless such policies and plans are inconsistent with federal laws pursuant to the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act (FLPMA). The Plan provides important guidance to federal agencies on a wide array of public land issues and activities.

For the purposes of the Plan, "public land" refers to land within Nevada's borders that is managed by federal agencies. Nevada Revised Statutes (NRS) refers to public land as "federal land" or "lands under federal management." While tribal lands are held in trust by the federal Bureau of Indian Affairs for Native

Americans, they are not considered public land because they are managed by Native Americans and considered sovereign.

- The Plan's policies encourage and support all efforts to plan on a comprehensive basis statewide, regardless of the land ownership.
- The Plan Update is currently at the in-house draft stage after undergoing a lengthy preliminary public comment phase. The Draft Plan will be routed through the Nevada State Clearinghouse for agency comments in 2005. The Plan will be reviewed at the local level at Public Land Use Advisory Committees (PLUACs), the State Land Use Planning Advisory Council (SLUPAC) and the Advisory Board on Natural Resources (ABNR). The Plan will be presented to Governor Guinn for his review and potential approval.

Report on Public Lands Identified for State/Local Government and Private Purposes

The Report on Public Lands Identified for State/Local Government and Private Purposes was last officially updated in 1999. However, since that time, these statistics have changed for Clark County through the Clark County Conservation Act of 2002 and Lincoln County through the Lincoln County Conservation, Recreation and Development Act of 2004. As local Public Lands Policy Plans are being updated (i.e. Lander, White Pine, Eureka and Elko), these statistics are also being updated. NDSL's update to the Nevada Statewide Policy Plan for Public Lands will also reassess and summarize these statistics in 2005.

Local Public Lands Policy Plans

- **Lander County Public Lands Policy Plan**

NDSL assisted the Lander County PLUAC in updating the Lander County Public Lands Policy Plan in 1999. The Lander County Commission approved the plan that year. In 2004 the Lander County PLUAC requested that NDSL update the 1999 plan. NDSL has met with the PLUAC on a number of occasions during the past year and the local plan update is now in draft format awaiting review by the PLUAC in March, 2005. It is anticipated that the public review process will culminate with a review by the Lander County Commission sometime later this year.

NDSL has met on several occasions in 2003 and 2004 with White Pine County, Eureka County and Elko County and has discussed the updates to their local Public Lands Policy Plans. The statuses of those county plans are:

- **Eureka County:** NDSL met with the Eureka PLUAC on a number of occasions and has provided feedback on the update of their plan. Eureka County has determined that their route for updating the plan is via a request for proposal for a consultant. The RFP has been publicized and the county will commence with the update soon.
- **White Pine County:** NDSL continues to be involved with the White Pine County PLUAC by providing comments and feedback on their Public Lands Policy Plan. The PLUAC has made a formal request that NDSL assist in the update to the Plan. It is anticipated that NDSL will be involved in the actual update later in 2005.
- **Elko County:** NDSL has met with both the Elko County PLUAC as well as the Elko County Commission regarding the update of the Elko County Public Lands Policy Plan. The Elko County Commission has formally requested that NDSL assist in the update of their plan and work will commence as soon as practical.

Tribal Expansions

In 2004 NDSL was involved as the lead facilitator on State comments to the proposed Duckwater Reservation north of Currant. Closely coordinating with the Nevada State Clearinghouse, NDSL conducted agency meetings and gathered agency comments that were forwarded to the Department of Interior. NDSL was involved in a similar process involving possible expansion of the Ely Shoshone Reservation in White Pine County. At this time, neither reservation has completed their studies and review of comments to determine the extent of possible expansions of their reservations.

Yucca Mountain Railroad/Transport of Nuclear Waste

NDSL worked closely with the Nevada State Clearinghouse to gather and provide State comments on the proposed Caliente Corridor Yucca Mountain Rail Road proposal to transport nuclear waste to the Yucca Mountain repository. In addition, NDSL participated in a number of stakeholder meetings held by both the Mojave Southern BLM Resource Advisory Council (RAC) as well as an ongoing collaborative planning effort called the Tri County Working Group. The Tri County Working Group is composed of County Commissioners from White Pine,

Lincoln and Nye Counties as well as staff from BLM, US Forest Service, Nevada Department of Wildlife, US Fish and Wildlife and Great Basin National Park.

Federal Land Acts

NDSL maintains an extremely positive working relationship with Nevada's Congressional Delegation staff in matters related to new land acts in the state. This relationship is even more benefited by an open and efficient dialogue that is maintained with the federal planning partners. The Lincoln County Conservation, Recreation and Development Act of 2004 was enacted by Congress to address a number of pressing needs in Lincoln County. Issues addressed included: the status of the county's wilderness study areas (WSAs); identification of federal lands for disposal; designation of an Off Highway Vehicle route for increased tourism potential; identification of utility corridors; and funding for improvements and acquisitions to Lincoln County's parks and recreation resources as well as a detailed water study for the carbonate aquifer region of eastern Nevada.

The trend of utilizing Congressional acts on a county level in Nevada will continue. Already, other counties are in the process (White Pine and Lyon) or are reviewing their options for possible future land acts (Humboldt, Pershing, Carson City, Douglas and Washoe).

NDSL Collaborative Planning Involvement

The BLM RACs and the Tri County Working Group are effective means to gather productive comments and foster transparent dialogue. NDSL values venues such as these and strives to maintain an active presence. NDSL has found that the BLM RACs and entities such as the Tri County Working Group and the PLUACs are extremely valuable resources for State agencies and the local governments to stay apprised of lands use and natural resource activities occurring statewide, both on public and private lands.

Nevada State Clearinghouse

The Nevada State Clearinghouse is the most efficient manner in which NDSL and all State agencies stay connected to public lands-related activities. The "single point of contact" role of the Clearinghouse is vital in how NDSL comments on actions proposed for public lands. In a given year, NDSL reviews an average of 150 Clearinghouse items and at least one third of those requires in depth analyses, dialogue and collaboration with our sister agencies, federal and local governments, stakeholders and other interested publics.

Some of the many notable Clearinghouse projects NDSL has commented on include:

- Scoping for RMP for Sloan Canyon NCA.
- Sierra Nevada Forest Plan Amendment
- EA Nevada Test Site Biological and Chemical Tests
- Granite Fox Power Plant at Gerlach, Transmission Line
- Southern Nevada Heliport
- EIS Tracy Silver Lake Transmission Line 120 kv
- BLM EA for Geothermal Lease near Spencer Hot Springs
- US Forest Service National OHV Policy and Proposed Rule
- US Forest Service Roadless Policy
- Revised Draft EIS/EIR Truckee River Operating Agreement
- BLM Draft EIS Wind Energy Development Program
- BLM Draft EIS Las Vegas Valley Boundary Land Disposal Program
- BLM Tonopah EA Nellis AFB base camp land withdrawal

Southern Nevada Public Lands Management Act of 1998 (SNPLMA)

NDSL plays an active role in the implementation of the SNPLMA. The Administrator represents the State on the SNPLMA Partners Working Group which reviews proposals for the expenditure of SNPLMA funds, including nominations for the federal acquisition of sensitive lands statewide. Also, NDSL works directly with local governments to ascertain local needs, concerns and issues. NDSL strives to promote transparent and efficient public dialogue.

The act was recently amended to allow expenditure of SNPLMA funds to implement the Tahoe Environmental Improvement Program; the Administrator also represents the State on the Tahoe Working Group, which reviews proposals for project funding.

2003 and 2004 Nevada Land Use Summits

In both 2003 and 2004, NDSL played a lead role in formulating and hosting the Nevada Land Use Summits. These forums bring together legislators, planners, elected officials, the public and other stakeholders to discuss issues related to public lands. The summits are action oriented and typically lead to policy statements proposed to the Legislative Committee on Public Lands.

2005 Nevada Rural Planning and Natural Resources Conference

Since 1970, NDSL staff has hosted a series of land use planning conferences which address a variety of land use issues, including issues relating to public lands. This year the Rural Planning and Natural Resources Conference was held in Tonopah in January, 2005. The conference was extremely successful and represented the best attendance yet (160 participants from all interests). In addition to a vital networking and learning experience for the participants and NDSL, a number of pertinent assistance requests were received that can be provided by NDSL, including requests for assistance in updating local public lands policy plans.

Other Public Lands-Related Activities

During the past two years, NDSL staff has assisted a number of local governments and other organizations on public land-related activities. For example:

- NDSL is an active participant at the monthly Conservation Forum held in Reno. This forum is an excellent example of community and government interests coming together for effective information exchange, dialogue and networking.
- NDSL strives to attend as many meetings as possible of the Public Land Use Advisory Planning Commissions (PLUACs), BLM Resource Advisory Councils (RACs) and collaborative efforts (e.g. Tri County Working Group, Northeast Nevada Stewardship, Eastern Nevada Landscape Coalition, Partners in Conservation). This attendance record has enabled NDSL to stay in the loop on public lands issues important to all Nevadans.
- NDSL staff attends a number of public lands-related conferences statewide and nationally.
 - ✓ In 2004, NDSL staff attended the "Partners in Stewardship" Conference in Los Angeles. This conference was hosted by our four federal planning partners (BLM, US Forest Service, US Fish and Wildlife Service and the National Park Service). The theme of the conference was improving collaborative efforts to obtain a more streamlined and transparent approach to stewardship of our public lands.

- ✓ NDSL attends the yearly Eastern Nevada Landscape Coalition field conference. This venue brings together many stakeholders for hands on training and other sessions on the impacts of actions taken on public lands.
- Other miscellaneous activities including responding to phone calls, research, and attending/participating in federal agency scoping and coordination meetings.

State Land Use Planning Advisory Council

The State Land Use Planning Advisory Council (SLUPAC, NRS 321.740) meets quarterly and is a staff function of NDSL. Although the focus of SLUPAC is on matters related to local land use planning, including master planning and zoning, many topics are specifically related to public lands due to the planning and demographic makeup of the state. SLUPAC meetings are a unique opportunity to hear the concerns and issues of Nevada's counties on public lands issues because it is the only entity advising NDSL and the Department of Conservation and Natural Resources with elected representatives from each of Nevada's seventeen counties. NDSL serves as staff to SLUPAC and performs such duties as research on issues, preparation of agendas and minutes and any other requirements of the open meeting law and hosting of the meeting.

Over the past two years, SLUPAC has heard many public lands related agenda items. SLUPAC has the ability to issue related policy statements. The meeting topics included:

- Fugitive dust mandates for local counties
- Proposed BLM law enforcement rules
- Use of General Improvement Districts, impact fees to address development concerns
- Mitigating dust on fallowed lands
- Big box development
- Energy development
- Use of Planned Unit Developments
- Conservation easements
- Implementation of Southern Nevada Public Land Management Act
- Transfer of development rights
- Urban scale development in rural Nevada
- Housing/Jobs mix
- Open Range Law
- Overview of Nevada water law
- Federal lands bills

- Truckee river restoration projects
- Regional water management
- Discussion of growth task force in Clark County
- Trail access to public lands
- Conservation and Resource Protection Grant Program (Question One)
- Habitat conservation plans

Technical Assistance Projects Underway or Pending

As mentioned, NDLS provides training and technical assistance to local governments and other organizations regarding lands use, zoning and master plan-related topics. Due to the makeup of Nevada's land ownership (management), being mostly public lands, topics on public lands are an important part of these efforts. The following is a current list of NDSL projects either underway or requested:

- Smith Valley- Ongoing Master plan development due June 05
- Pahrump Regional Planning Commission- Training in June 04
- Humboldt Count- Ongoing code rewrite, Training in Feb 05
- Pershing County- Request for Planning Commission training March 05
- Lyon County- Requested Planning Commission training
- Silver Peak Advisory Council- Training in Spring 05
- Town of Alamo- Code re-write, master plan revision, training
- Lincoln County- Need for master plan re-write address lands bill issues
- Town of Pioche- Sub-element re-write for Master Plan Feb 05
- Town of Baker- Planning training and assistance- Feb 05
- Mineral County- Regional Planning Commission training requested- Feb-March 05
- City of Carlin- Master Plan/code assistance
- Hwy 50 corridor plan NDOT
- HWY 95 corridor planning Nevada Rural Business Council
- UNLV and UNR cooperative agreements discussions
- Request for training for Town of Ely and White Pine County

3. Conclusion

This report summarizes activities of the State Land Use Planning Agency of the Division of State Lands relating to lands under federal management, emphasizing public land plans and policy statements. Those interested in additional information about any aspects of these programs are welcome to contact the agency.